



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th December, 2015:—

I

BILL NO. IV OF 2015

A Bill to provide for the constitution of the Child Development Programmes Coordination Agency in order to ensure smooth functioning of child development programmes and achievement of targets for such programmes within a set time frame and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Development Programmes Coordination Agency Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Agency" means the Child Development Programmes Coordination Agency established under section 4 of the Act.

(b) "Child Development Programmes" means the programmes being run by the Ministry of Women and Child Development of the Central Government with an object of child development in the country;

(c) "prescribed" means prescribed by rules made under the Act.

(d) "Supreme Departmental Authority" means the Secretary of the Department of Women and Child Development of the Central Government;

(e) "top official" means the head of the Child Development Programmes being run by the Central Government.

Coordination
of Child
Development
Programmes.

3. An Agency shall be established to bring coordination among child development programmes run by the Central Government with an objective to ensure that the child development programmes are run smoothly and the targets are achieved within the set time frame.

Establishment
of Child
Development
Coordination
Agency.

4. (1) The Central Government shall by notification in the Official Gazette establish an agency for the purpose of this Act to be known as the Child Development Programme Coordination Agency, in such manner as may be prescribed.

(2) The Central Government shall appoint such number of officers and staff for the efficient functioning of the agency and the terms and conditions of the services of such persons appointed shall be such as may be prescribed.

(3) The head quarter of the agency shall be at such place as may be prescribed.

Functions of
the Agency.

5. The agency shall perform the following functions:—

(a) conduct monthly review of child development programmes run by the Central Government;

(b) hold meetings with the top officials in connection with the quarterly execution of programme based on the review;

(c) submit half-yearly progress report and give suggestions to Supreme Departmental Authority; and

(d) such other functions as may be prescribed by the Central Government from time to time.

Establishment
of Agency
Fund.

6. (1) The Central Government shall by notification in the Official Gazette establish a fund to be known as "Child Development Programmes Coordination Fund".

(2) The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite sums to the fund for carrying out the purposes of this Act.

Act to have
overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make
rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It is unfair to think of development of a nation without the development of its children. Actually, child development is the foundation of national development. The responsibility of ensuing health care, availability of good nutrition and quality education to children lies not only with the parents but also with the Government. Presently, a number of programmes on child development are being run by the Central Government among which the Integrated Child Development Services (ICDS) Scheme is the primary one which was started in 1975. Subsequently, many small or big programmes were introduced. Despite all this Schemes there seems to be a continuous deterioration in child development scenario in the country, be it the state of health or nutrition or education. Owing to lack of coordination among various ongoing programmes, the state of child development in the country continues to be at the lowest level despite spending hundreds of crores of rupees annually. Therefore, the need to establish a coordination agency for ensuring smooth functioning of child development programme and achievement of targets of such programmes within the set time frame is inevitable.

Hence this Bill.

PRABHAT JHA

II**BILL NO. III OF 2015**

A Bill to prohibit the publication and dissemination of objectionable material on religion in any form in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prohibition of Publication and Dissemination of Objectionable Material on Religion Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Agency" means as agency for prohibition of publication and dissemination of objectionable material on religion as established under section 4 of this Act;

(b) "Complaint" means an objection registered with the agency by the Indian citizen or institution;

(c) "Dissemination" means information communicated through recorded messages on telephones; radio; television, internet film-strips; movies or videos along with other means of communication;

(d) "Objectionable Material" means any publication and dissemination of contents hurting the religious sentiments of any Indian citizen;

(e) "Prescribed" means prescribed by rules framed under this Act.

(f) "Publication" means a book, article, picture, photograph, pamphlet, advertisement on poster, banner or any other printed document; and

(g) "Religion" means all religions practiced by the citizens of India.

3. Notwithstanding anything contained in any other law for time being in force the publication and dissemination of objectionable material on all religions in the country is prohibited herewith, no matter, whether a 'No Objection Certificate' has been obtained from any authority or not.

Prohibition of publication and dissemination of objectionable material on religions.

4. (1) For the purpose of this Act, the Central Government shall establish an agency, which shall be termed as Agency for Prohibition of Publication and Dissemination of Objectionable Material on Religion.

Establishment of an agency for prohibition of publication and dissemination of material on religion.

(2) Subject to the provision of this Act, this agency shall be set up in such a manner, as prescribed.

(3) The terms and conditions of service for the persons employed in the agency shall be as prescribed.

(4) The headquarters of the agency shall be at such place, as may be prescribed.

5. The agency shall perform the following functions:—

Functions of the agency.

(a) Registration of complaints pertaining to the publication and advertisement on dissemination of objectionable material on religion; received from concerned institutions and public; and there redressal;

(b) to Investigate the complaints duly registered;

(c) to impose a prohibition on publication and dissemination thereof, on the basis of the outcome of investigation; and

(d) to derecognise the respective publisher and advertising agency involved in publication and dissemination of objectionable material on religion.

6. Any person violating the provisions of section 3, shall be punished with an imprisonment of not less than two years which may extend to five years and with a penalty of not less than one lakh rupees.

Penalty.

7. The Central Government shall after due appropriation made by law in this behalf, provide the required funds, from time to time, for carrying out the purposes of this Act.

Funds to be provided by Central Government.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act, to have overriding effect.

9. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Powers to make rules.

STATEMENT OF OBJECTS AND REASONS

In recent times, there has been a sudden rise in the cases of publication and dissemination of objectionable material on religion in the country. Certain mischievous elements try to hurt the religions sentiments of the citizens of the country with support from certain publishers and advertising agencies. In the name of right to freedom of impression enshrined in our constitution, they tend to threaten the integrity of the country. Such publication and dissemination of objectionable material on religion needs to be restricted in order to preserve the secular fabric of the country.

Hence this Bill.

PRABHAT JHA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Agency for prohibition of publication and dissemination of objectionable Material on Religion and appointment of officers and employees in the agency. Clause 7 provides that Central Government shall provide the funds to said agency after due appropriation. Therefore, the Bill, if enacted, will involve expenditure from Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crores is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of rupees six hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

III**BILL NO. LI OF 2015**

A Bill to abolish Capital Punishment under the laws in relation to which the powers of the Union extends.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extant and
commencement.

1. (1) This Act may be called the Death Penalty (Abolition) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Abolition of
Death Penalty.

2. No person shall be liable to be punished with death for an offence under any Act enacted by the Parliament.

3. Where by any law referred to in the Schedule (including a provision that would, but for this Act, have effect by virtue of such a law) it is provided that a person is liable to be punished with death, the reference to the punishment of death shall be read, construed and applied as if the penalty of imprisonment for life were substituted for that punishment.

Substitution of
Imprisonment
for Life.

4. The State Governments shall pass legislations to abolish death penal for offences under their respective State Acts within six months after the commencement of this Act.

State
Governments
to abolish
death penalty
under their
Acts.

5. This Act applies in relation to offences referred to in the Acts mentioned in the Schedule, committed before, on or after the commencement of this Act.

Application of
this Act.

SCHEDULE

1. The Indian Penal Code, 1860
2. The Explosive Substances Act, 1908
3. The Air Force Act, 1950
4. The Army Act, 1950
5. The Navy Act, 1950
6. The Arms Act, 1950
7. The Geneva Conventions Act, 1960
8. The Petroleum and Minerals Pipeline Act, 1962
9. The Unlawful Activities Prevention Act, 1967
10. The Border Security Force Act, 1968
11. The Defence of India Act, 1971
12. The Coast Guard Act, 1978
13. The Narcotics, Drugs and Psychotropic Substances Act, 1985
14. The Commission of Sati (Prevention) Act, 1987
15. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
16. The Indo-Tibetan Border Police Force Act, 1992
17. The Maharashtra Control of Organised Crime Act, 1999
18. The Karnataka Control of Organised Crime Act, 2000
19. The Andhra Pradesh Control of Organised Crime Act, 2001
20. The Assam Rifles Act, 2006
21. The Sahashtra Seema Bal Act, 2007
22. The Bombay Prohibition Act (Gujarat Amendment) Act, 2009

STATEMENT OF OBJECTS AND REASONS

The Indian Criminal Laws retain capital punishment for a number of serious offences. However, death penalty is not only unjust and inhuman but also inconsistent with the fundamental human rights and the dignity and worth of the human person.

The opposition to the continuation of capital punishment has been existent from as early as the 1950s. Many of the founding fathers of India were firmly opposed to the death penalty. The architect of the Constitution, Babasaheb Ambedkar, himself admitted in the Constituent Assembly that people may not follow non-violence in practice but “they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can”. With this in mind, he said, “the proper thing for this country to do is to abolish the death sentence altogether”.

Miscarriage of justice is one of the biggest concerns about death penalty. There have been and always will be cases of executions of innocent people. No matter how developed a justice system is, it will always remain susceptible to human failure. Unlike prison sentences, the death penalty is irreversible and irreparable. The Supreme Court has itself admitted on several occasions that there is confusion and contradiction in the application of the death penalty. Last year, 14 eminent retired judges wrote to the President, pointing out that the Supreme Court had erroneously given the death penalty to 15 people since 1996, of whom two were hanged. The judges called this “the gravest known miscarriage of justice in the history of crime and punishment in independent India”.

The death penalty lacks the deterrent effect which is commonly referred to by its advocates. As recently stated by the General Assembly of the United Nations, “there is no conclusive evidence of the deterrent value of the death penalty” (UNGA Resolution 65/206). Capital punishment is merely revenge masquerading as justice. When the Government is trying to create a just society where there is less violence and murder, it cannot be allowed to commit the same crime against its citizens in the name of justice.

The world is moving away from using the death penalty. The European Union has made “abolition of death penalty” a prerequisite for membership. In November 2012, the United Nations adopted a resolution to establish a moratorium on executions and abolition of death penalty for the fourth time. Amnesty International reports that 140 countries have abolished death penalty either in law or in practice. This accounts for more than two thirds of the countries of the world.

The Law Commission of India, in its 243rd Report, has recommended the abolition of death penalty in all but two instances—crimes of terrorism and waging war against the state. However, the Parliament should go one step further and abolish death penalty once and for all.

The continuation of death penalty is a stain on our society built on the values of non violence, love and justice. Hence, in this land of Mahatma Gandhi and Gautama Buddha it is necessary to abolish this barbaric punishment in order to be in consonance with our own inherent morals and the global trend.

Hence this Bill.

SMT. KANIMOZHI

IV**BILL NO. LVII OF 2015**

A Bill to provide for proper planning and co-ordinated development of Self-financing professional educational institutions throughout the country by regulating the admission of students and prescribing fee structure in such Self-financing Institution including prevention of commercialisation of professional education and prohibition of Capitation fees and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

WHEREAS it is necessary to provide for proper planning and co-ordinated development of Self-financing Institutions throughout the country by prohibiting collection of Capitation fees, preventing commercialisation of professional education, regulating admission procedure and prescribing fees structure and other matters incidental thereto;

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Self Financing Professional Educational Institutions, (Control and Regulation) Act, 2015.

Short title,
extent,
commencement
and Application.

(2) It extends to the whole of India except the state of Jammu and Kashmir.

(3) It shall come into force at once.

(4) It shall apply to all Self-financing Institutions.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "advisory body" means a body consisting of parents and teacher's representatives, student representatives, elected Member of Parliament and member of Legislative Assembly from the area, President of District Panchayat and two representatives of the Management;

(b) "capitation fees" means any amount by whatever name called whether in cash or in kind, paid or collected or received directly or indirectly by the Management or Governing body or any member of the Management or Governing Body or staff of any Self Financing Professional Educational Institution, including his/their relative or any person associated in any manner whatsoever in the management of the said institution, in addition to the fees prescribed or determined under section 5 from or in relation to any candidates or student in consideration of his admission or continuance of any course of study or his promotion to a higher class in such college or institution under such management;

(c) "common entrance examination" means the entrance examination conducted either by the Government or any other agency wholly controlled by the Government for admission to the professional educational institution;

(d) "free seat" means any seat in a Self Financing Professional Educational Institution against which the fee collected shall be the same as that prevailing for the corresponding course in Government colleges;

(e) "government" means the Central Government or the State Government or both as the case may be;

18 of 2013.

(f) "management" means any trust, co-operative society, Company registered under the Companies Act, 2013 and such other similar association of persons, under whose control or administration any self financing professional educational institution is functioning;

(g) 'minority' means a community belonging to religions or minority as may be notified by the Government;

(h) 'minority institutions' means private professional educational institute established and administered by minority and being conferred minority status by the National Commission for Minority Educational Institutions;

(i) "parents representative" means, a legal guardian of any student elected by the parent-teachers association of the respective college;

(j) "payment seat" means any seat against which the management is permitted to collect the fees prescribed under Section 5(1)(b);

(k) "prescribed" means prescribed by this Act or rule made under the Act;

(l) "self-financing institution" includes any College, University, Deemed University, institution established, administered or maintained by any Trust, Co-operative Society, company registered under the Companies Act, 2013 and

such other similar association of persons, affiliated to or recognized by a University or Government Agency and not receiving any financial assistance from Government and conducting course in any of the disciplines like Engineering and Technology, Medicine, Dentistry, Pharmacy, Ayurveda, Homoeopathy, Siddha, Nursing, Law etc.;

(m) "statutory auditors" a group of auditors appointed by the Government to audit Self-financing Institution collectively as item of not less than three auditors;

(n) "student representative" means a student elected by the students of a Self Financing Professional Educational Institution through direct election.

CHAPTER II

ADMISSION AND FEES IN SELF FINANCING INSTITUTION

Applicability. 3. The provisions of this Chapter shall not apply to Self-financing Institution established or administered by the minority communities.

Procedure for admission. 4. (1) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court or any other authority or in any agreement, the admission of students to a Self-financing Institution shall be made only on the basis of the merit list prepared though a common entrance examination.

(2) In every self-financing institution seventy-five per cent of the total seats shall be free seats and the remaining twenty-five percent shall be payment seats.

(3) Free seats shall be filled up on the basis of the rank in the common entrance examination following the principles of reservation as determined by the Government from time to time, to ensure free ships and scholarship to the candidates hailing from backward areas and weaker section of society.

(4) Payment seats shall be filled up from the list prepared on the basis of common entrance examination from among those students, who indicate their preference for being allotted such seats:

Provided that the management shall ensure *inter-se* merit among the students opting for a particular institution, and lower rank holders will be eligible for the seat, only if the higher rank holder relinquishes his or her claim through a written communication.

(5) Educational qualification for admission in the Self-financing Institution shall be such as may be notified by the Government from time to time.

Fee Structure. 5. (1) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court or any other authority or any committee or any agreement,—

(a) the fees charged by any Self-financing Institution for free seats shall be the same as that charged by Government professional institutions for the corresponding course.

(b) the fees charged for payment seats shall be prescribed by the Government on the basis of the recommendation of an Expert Committee constituted in this behalf by the Government;

Expert Committee. 6. (1) The Government shall constitute an Expert Committee to determine the fee structure for payment seats in the self-financing professional institutions.

(2) the Expert Committee shall consist of:—

(i) a retired judge of the Supreme Court or the High Court, who shall be the Chairman of the Committee;

(ii) two experts in the relevant field of professional education;

(iii) two representatives of the Government;

(iv) three representatives of the management;

(v) two experts in the field of accountancy, cost audit or management.

(3) (a) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and members of the Expert Committee, shall be such, as may be prescribed by the Government.

(b) the allowances payable to the Chairperson and members of the Expert Committee for attending the meetings of the Committee shall be such, as may be prescribed by the Government.

(4) The fee structure determined by the Expert Committee shall be revised every five year.

7. The statutory auditors shall audit all the self-financing institutes at least once in every year and submit their report to the Government. Auditing.

8. (1) There shall be an Advisory body in every self financing institution. Advisory Body.

(2) The Advisory body shall meet at least once in three months and shall have powers to verify any record and shall advise on policies for ensuring quality of education.

9. (1) If any management contravenes any of the provisions of this Act, the Government may temporarily take over the management of the Self Financing Professional Educational Institution and administer the same in larger public interest: The powers of the Government to take over.

Provided that such take over and administration shall not exceed five years.

CHAPTER III

SPECIAL PROVISIONS RELATING TO MINORITY SELF FINANCING INSTITUTION

10. The provisions of this Chapter shall apply only to self-financing institution established or administered by the minority communities; Applicability.

11. (1) The admission of students to a self-financing institution shall be made only on the basis of merit. Procedure for Admission.

(2) In every self-financing institution sixty percent of the total seats shall be free seats and the remaining forty per cent shall be payment seats.

(3) Free seats be filled up on the basis of the rank obtained in the Common Entrance Examination following the principles of reservation as determined by the Government from time to time; and also reserve freeships and scholarships to the candidates hailing from backward areas and weaker sections.

(4) Payment seats shall be filled up from the merit list prepared on the basis of Common Entrance Examination from among those students who indicate their preference for being allotted such seats:

Provided that a fixed percentage of the payment seats may be reserved for the community which establishes or administers the institution as may be prescribed.

12. Notwithstanding anything contained in any law for the time being in force or in any judgement, decree or order of any court or any other authority or any other authority or any committee or any agreement,— Fee Structure in Minority Self Financing Institution.

(a) The fees charged by any minority Self-financing Institution for free seats shall be the same as that charged by Government Professional Institution for free seats shall be the same as that charged by Government Professional Institution for the corresponding course.

(b) the fees charged for payments seats shall be prescribed by the management on the basis of recommendation of an expert committee constituted in this behalf by the Government.

Expert
Committee.

13. (1) The Government shall constitute an expert committee to recommend the fees structure for payment seats in the minority self-financing institutions.

(2) The expert committee shall consist of—

(i) a retired Judge of the Supreme Court or the High Court who shall be the Chairman of the Committee;

(ii) two experts in the relevant field of professional education, of which one may be the nominee of the management;

(iii) one representative of the Government;

(iv) three representatives of the management;

(v) two experts in the field of Accountancy/Cost Audit/Management;

(3) (a) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and members of the Expert Committee, shall be such, as may be prescribed by the Government.

(b) The allowances payable to the Chairperson and members of the Expert Committee for attending the meetings of the Committee shall be such, as may be prescribed by the Central Government.

(4) The fee structure determined by the expert committee shall be revised every five year.

CHAPTER IV

OFFENCES AND PENALTIES

Prohibition of
Capitation Fee.

14. (1) No capitation fee shall be collected by or on behalf of any self-financing professional college or by any person who is incharge of the affairs of the institution from any candidate in considering his admission to or continuance in any course of study under the management.

Collection of
Fees.

15. No self financing institution shall collect fees for more than the current semester at a time.

Penalties.

16. (1) Whoever entravenes the provisions of this Act or the rules made thereunder shall, be punishable with simple imprisonment upto six month or with fine which may extend upto fifty lakh rupees but not less than twenty lakh rupees or with both;

(2) A penalty under this sections may be imposed without prejudice to the penalty specified in any other law for the time being in force.

Cognizance
of offence.

17. No Court shall take cognizance of any offence punishable under this Act except upon a written complaint, made by the person or student from whom the capitation fee is alleged to have been demanded.

Protection of
action taken
in good faith.

18. No suit prosecution or other legal proceedings shall lie against any member of the advisory body or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

Exemption to
Self-financing
Institutions.

19. The Central Government may, in public interest, exempt any self-financing institution from the applicability of this Act.

CHAPTER V

MISCELLANEOUS

Power to
make rules.

20. (1) The appropriate Government may by notification in the Gazette, make rules not inconsistent with the provisions of this Act for the purpose of carrying out

the provisions of this Act within three months from the date of commencement of the Act.

(2) Without prejudice to the generality of the foregoing rule making power, such rules may provide for all or any of the following matters viz:—

(i) fixation of fee structure;

(ii) procedure to be followed by the expert committee for determining and fixing fees;

(iii) the matters to be taken into account while fixing fees;

(iv) ensuring that no profiteering is carried on and to reserve freeships and scholarship to the candidates hailing from backward areas and weaker sections of the society.

21. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any self financing institution from any proceeding which might, apart from this Act, have been instituted against it.

Act to be in addition to any other Law.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution of India mandates that the State shall direct its policy towards securing the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. The opening up of the professional education sector and establishment of Self-financing Institutions have resulted in the need for a comprehensive law regulating various aspects of the establishment and conduct of such institutions including right to establish and administer educational institutions of their choice by minorities in the light of principles enunciated and directions issued by the Supreme Court of India in various decisions especially in the areas of admission of students and the fee-structure etc. The Supreme Court had issued the directions invoking its plenary powers under Article 142 which are to remain in force till appropriate legislation is enacted by the Parliament. The Bill seeks to achieve the object of regulating the admission of students and fees structure etc. of Self-financing Institutions, in the light of the principles enshrined in the Constitution of India especially, Article 39 thereof.

Hence this Bill

K.K. RAGESH

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of an Expert Committee to determine and fix fee structure in the Self Financing Professional Institutions. Similarly, Clause 13 also deals with constitution of an Expert Committee to determine and fix fee structure in the Self Financing Professional Institutions with reference to the minority-run educational institutions. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out at later stage by the appropriate authority while implementing the provisions of the Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of Bill gives power to the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V**BILL NO. LVIII OF 2015**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 324.

2. In article 324 of the Constitution, for clause (6), the following clause shall be substituted, namely:—

"(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff, excluding school teachers, as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1) ".

STATEMENT OF OBJECTS AND REASONS

Although holding elections is a sovereign function of the State and is imperative to upholding the democratic values, the appointment of teachers as election officers has resulted in absence of teachers from school unfinished courses, poor results and high dropout rates. Thus, it has contributed to the lowering of the quality of education of government schools.

Article 21A of the Constitution of India provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Hence, the right to education is now a fundamental right that is enforceable by law.

Further, section 27 of the Right of children to free and compulsory education Act, 2009 aims to ensure that the teachers are free from deployment for non-educational purposes, so as to enable them to spend time on equipping themselves for classroom related activities.

The Supreme Court, in the 2007 judgment of Election Commission of India v. St. Mary's School and others observed that teachers should not be assigned the duties of revision of electoral rolls or other works relating to election duties that would adversely affect the imparting of education by them. Accordingly, teachers were supposed to be assigned election duties only on Sundays and other holidays.

Moreover, the Ministry of Human Resource Development has taken note of the above-mentioned judgement and called upon the appropriate government and local bodies to take note of the guidelines laid down by the Supreme Court while appointing teachers on election duty.

However, these laws and guidelines have failed to ensure that the Election Commission does not appoint teachers for election duty during school hours. This has resulted in students losing several days of class study.

Hence this Bill.

TIRUCHI SIVA

VI

BILL NO. LX OF 2015

A Bill to provide for compulsory basic facilities like housing, food, water, medicine and security to neglected senior citizens, widows and orphans of the country.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, and
commencement.

1. (1) This Act may be called the Compulsory Basic Facilities for Neglected Senior Citizens, Widows and Orphans Bill 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the government of that State and in other cases, the Central Government;

(b) “neglected senior citizen” means such an old man or woman who is more than sixty years of age and has no facilities for shelter or any relatives to provide him or her shelter.

(c) “orphan” means a child who is below fourteen years of age and is without parents or other relatives to take his or her minimum basic care.

(d) “prescribed” means prescribed by rules made under this Act.

(e) “widow” means any woman who has not remarried after the death of her husband and who does not have any facilities for shelter.

3. The Central Government shall as soon as may be, but within six months of the commencement of this Act, by notification frame a national policy for protection and welfare of the neglected senior citizens, widows and orphans. Framing a National policy.
4. (1) The appropriate Government shall establish residential centres all over the country for use by the neglected senior citizens, widows and orphan free of cost. Establishment of Residential Centres.
- (2) The residential centre shall have the capacity of minimum eighty and maximum two hundred persons to live there at a time.
- (3) Stay arrangement in the residential centre shall be such that for every two orphans there is one senior citizen and one widow.
5. The appropriate Government shall ensure that—
- (a) housing, food, water, medicine, security and the minimum resources necessary to lead a balanced and healthy life in the Centre is provided. Residential centres to have proper facilities for the beneficiaries.
- (b) employment opportunities in the form of domestic production units is set up in the centre for interested men or women.
6. (1) At each Residential Centre there shall be a Managing Committee to Oversee the functioning of the residential centre consisting of:
- | | | |
|--|----------|--|
| (i) the Chairman of the local bodies, | Chairman | Management and Operation of the Residential Centres. |
| (ii) Secretary, Social welfare department, | Member | |
| (iii) a senior-most senior citizen from the Residential Centre, | -do- | |
| (iv) an oldest widow from the Residential Centre, | -do- | |
| (v) a local eminent social worker nominated by the appropriate Government. | -do- | |
- (2) The term of the office of the Chairman, Secretary and members of the Managing Committee and the procedure to be followed in the discharge of the functions of the Committee shall be such as may be prescribed.
- (3) The Residential Centres shall have such members of staff with such terms and conditions of services as may be prescribed from time to time.
7. (1) The appropriate Government shall set up in each State, the State Monitoring Board to monitor, supervise and coordinate the Residential Centres operating in each district. The board shall comprise—
- | | | |
|---|----------|-------------------------|
| (i) Chairman of the State Women Commission, | Chairman | State Monitoring Board. |
| (ii) Secretary, Social Welfare Department, | Member | |
| (iii) an eminent social activist nominated by the appropriate Government, | Member. | |
- (2) The term of the office of the Chairman, Secretary and members of the Board and the procedure to be followed in the discharge of the functioning of the Board shall be such as may be prescribed.
- (3) The Board shall have a secretariat with such officers and staff and with such terms and conditions of services as may be prescribed from time to time.
8. (1) The appropriate Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite fund for carrying out the purposes of this Act. Central Government to provide Fund.
- (2) The share of the Centre and the State for financing the operation of the Residential Centres shall be such as may be prescribed by rules made under this Act.
9. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In the last one decade, the old age population in the country has risen by 39.3%. This segment of population is expected to rise by 45-50% in the coming decades. Because of the continual nuclearization of families in the society, they have to suffer from several problems on their own. There are more than a thousand old age homes in India but they have not been able to yield expected results. In a similar way, there are also a large number of widows in the country who are not only discriminated in their family but also in the entire society. In several cases, they are deprived of basic support and assistance. The necessity today is to create a conducive climate whereby these widows can live their remaining lives in a productive and happy manner. There is also a large section of the population of orphan kids who are without any support and who live a destitute life. Most of these kids are either subjected to child labour or they are addicted to drugs or are involved in illegal organ trading.

The Bill provides integrated provisions to bring these three disadvantaged sections of the society under one roof where they can use their mutual cooperating role. The need of the hour is to bring together these three sections of the society in a socially conducive manner. Widow women should undertake the role of mother for orphan children and neglected old citizens should play the role of guardian for both of them. This should make a family environment for all of them. Through these Centres, along with basic facilities such as food, shelter and clothing, an opportunity to live a more dignified life can be given to all these three sections in the society—old age, widows and destitute children. It is also important that this arrangement should make their lives happy by mutually interdependent and emotional bonding. In these Centres the neglected, suffering and deprived classes of our society should be able to live a life where they should be free from deprivation and many other problems.

The most important reason to establish these Centres is to create a unified shelter for various needy sections instead of separate orphanage, widow Ashram, old age home etc. Two distinctive benefits that should arise from such arrangement are that on one hand there should be a reduction in government spending on infrastructure, human resources, etc. and on the other hand these disadvantaged groups should have an opportunity to take care of each other and live a better life with emotional, protective and mental satisfaction.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of the residential centres all over the country for use of the neglected senior citizens, widow and orphans. Clause 5 provides that appropriate Government shall ensure residential centres to have proper basic facilities to be beneficiaries. Clause 6 provides for management and operations of the residential centres by the management committee. Clause 7 provides for establishment of monitoring board across the country. Clause 8 provides that Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this juncture. However, it is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of about rupees five hundred crore may also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of details only, the delegation of legislative powers is of a normal character.

VII**BILL NO. LXI OF 2015**

A Bill to provide for the empowerment of women to enable them to have equal participation in the governance of the country by making reservations and such other provisions in the body polity such as executive, legislative and judiciary and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Women (Equal Participation in Decision Making) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "Election Commission" means the Election Commission established under article 324 of the Constitution of India;

(c) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any law for the time being in force the Election Commission shall, while conducting elections of the office of the President of India or the Vice-President of India, as the case may be, shall ensure that a woman candidate is elected to each of these offices for alternate terms in such manner as may be determined by the Election Commission.

Election of women to the office of President and Vice-President of India.

4. The Prime Minister shall ensure that not less than thirty-three per cent of Ministerial berths in the Union Council of Ministers are filled up from amongst the women Members of Parliament.

Ministerial berths for women in the Union Council of Ministers.

5. (1) Notwithstanding anything contained in the Election Laws or any other law for the time being in force, the Election Commission shall reserve not less than thirty three per cent of the total seats each in the Lok Sabha and the Rajya Sabha for women candidates in such manner as may be prescribed.

Reservation of seats for women in Parliament.

(2) The seats so reserved for women under sub-section (1) shall bear, as nearest as may be, to the total number of seats allotted to a State or Union Territory in Lok Sabha as the population of women in that State or Union Territory as the case may be, in respect of which seats are so reserved bears to the total population of the State or Union territory.

(3) In case of Rajya Sabha provisions of sub-section (1) of section 5 shall apply only to those States or Union territories which have been allocated more than three seats under the Fourth Schedule to the Constitution and in respect of those States and Union Territories which have been allocated one or two seats, the seat for women shall be earmarked in the following manner:—

(a) where there are two seats one seat shall be reserved for a woman candidate;

(b) where there is only one seat it shall be filled up by a woman candidate in alternate terms.

6. Notwithstanding anything contained in the Constitution or in any other law for the time being in force, the appropriate Government shall reserve not less than thirty-three per cent of the total strength of Judges in the Supreme Court, all High Courts and the Subordinate or Lower Courts for women Judges.

Reservation for women in Judiciary.

7. Notwithstanding anything contained in the Constitution or in any other law or practice for the time being in force, the President of India shall, while appointing Governor of a State or Lieutenant Governor or Administrator of a Union Territory, as the case may be, ensure that a woman is appointed to that office for alternate term in such manner as may be determined by the President.

Appointment of Women Governors.

8. Notwithstanding anything contained in the Election Laws or any other law for the time being in force, the Election Commission shall, reserve not less than thirty-three per cent of the total seats in the Legislature of a State for women in such manner as may be prescribed.

Reservation of women in State legislature.

9. The Chief Minister of a State or Union Territory, as the case may be, shall, while constituting his Council of Ministers, ensure that forty per cent of the Ministerial berths are filled up from amongst the women legislators of the State or Union Territory, as the case may be.

Ministerial Berths in the Council of Ministers of the States for Women.

10. The President shall while constituting a Finance Commission or the Niti Ayog as the case may be, appoint a minimum of two women members excluding the chairperson of such Commissions in such manner as may be determined by him.

Reservation for women in Finance and Niti Ayog.

Reservation for women in Public Service Commission.

11. The President or Governor of a State shall, while appointing the Chairman or members of the Union Public Service Commission, or of the State Public Service Commission, appoint as nearly as may be, one half of the members from amongst the women in such a manner as may be prescribed.

Reservation for women in the Election Commission.

12. Notwithstanding anything contained in any other law for the time being in force the President shall appoint the Chief Election Commissioner and other Election Commissioners in the Election Commission in such manner that there shall always be one woman Election Commissioner serving in the Election Commission.

Reservation for women in Boards of various bodies.

13. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall reserve as nearly as may be one half of the members of the Boards of autonomous bodies including Banks, Universities, Colleges, Councils, Boards etc. from amongst the women in such manner as may be prescribed.

Act to have overriding effect.

14. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Power to make rules.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Women despite being nearly half of the country's population, still remain socially neglected and economically dependent on others and are educationally backward and an exploited lot. Majority of them are confined to their houses looking after their children and performing household chores. Many of them are still superstitious, orthodox and backward because literacy among them and more so in rural areas is significantly low. Now only, women are becoming aware of their multiple role and responsibilities and they have started playing a vital role in the polity of the nation right from village Panchayat to Parliament.

On the basis of their sheer number, women should have equal participation *vis-a-vis* men in the Governance of the nation but the fact is otherwise. Their participation is far from their potential. Despite being most suitable, no woman has ever occupied the office of either the Vice-President of India or the Chief Justice of India. Their number in Parliament is negligible, for example in Lok Sabha it is 66 and in Rajya Sabha 31. The gender profile of State Legislatures of the country is much like the same or even worse. The issue of reservation for women in Parliament and State Legislature is hanging for a long time. Most of the political parties swear for the upliftment of women but at the time of elections they give tickets mostly to male candidates. Similarly, women are neglected in the formation of the Council of Ministers at the Union as well as at the State levels. As such the representation of women is negligible in the Executive as also in the Legislature.

The representation of women in the Judiciary, notably in the Supreme Court and High Courts, is far from satisfactory, though, best legal brains amongst women are available in the country. Similarly, the Election Commission and the Public Service Commissions of the country are yet to get the requisite gender representation. So far fourteen Finance Commissions have been constituted but women have been completely ignored therein. Similar is the case in respect of Boards of Directors of various bodies of the Governments, Public Sector Enterprises and other institutions.

In Government services also, the representation of women is abysmally low as compared to men. It is below twenty percent and in reserved categories, the representation of women is negligible.

The most evident factor visible over the growing violence of women seems to be due to lack of adequate women representation in decision-making bodies to safeguard their interests. Though their number in the Police service and the Defence forces is constantly on the rise, earning gallantry awards and bringing laurels to their forces and the nation but despite all this they still do not have much respite from sexual harassment from within their forces or otherwise.

However, with the demand of equal participation of women in decision making on the principle of equality enshrined in the Constitution, a beginning has been made by providing for reservation for women in local bodies like Village Panchayats, Municipalities, etc. but that is not enough. They should have equal participation in the governance of the nation on the basis of their numerical strength.

Hence this Bill.

ANUBHAV MOHANTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VIII**BILL NO. LXII OF 2015**

A Bill to provide for abolition of begging and rehabilitation of beggars and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging and Rehabilitation of Beggars Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government.

(b) “beggar” means a person who indulges in begging.

(c) “begging” shall have the same meaning as assigned to it in clause (a) of sub-section (4), section 363A of the Indian Penal Code.

(d) “fund” means Beggars welfare fund established under section 6.

(e) “prescribed” means prescribed by rules made under this Act.

(f) “rescue home or social security institution” means a home established under this act where any person taken into custody on the ground of begging shall be kept till the time he is rehabilitated.

Abolitions of begging.

3. Begging by any person, irrespective of age and gender, in any manner is hereby abolished.

Punishment for forced begging and sensitization of public.

4. (1) Any person who forces another person of more than Eighteen years of age, into begging shall be punishable with imprisonment which shall not be less than seven years.

(2) Any person who forces a child of any gender, who is less than 18 years of age, into begging shall be punishable with imprisonment which shall not be less than ten years.

(3) It shall be the responsibility of the appropriate Government to sensitize the society about the repercussions of the forced begging and the multiple evil that enjoin in such anti-social activities threatening the peace and harmony of the society.

Custody and rehabilitation of person found begging.

5. (1) Any person found begging shall be taken into custody by the Police and sent to the nearest rescue home or social security institution, to be established in each District by the appropriate Government, as the case may be, wherein such person shall be provided with facilities for rehabilitation, in such manner as may be prescribed.

(2) It shall be the sole responsibility of the in-charge of the rescue home or the social security institution to ensure that the rescued beggar(s) brought by the Police, do not leave the rescue home or the social security institutions without the proper approval or permission of the authorities so empowered under the rules.

Beggars' Welfare Fund.

6. (1) The Central Government shall constitute a Fund to be called the Beggars welfare fund for the welfare of beggars.

(2) The fund shall be utilised by the Central Government as and when required for the welfare and rehabilitation of beggars.

Formulation of Schemes for beggars.

7. (1) The appropriate Government shall formulate dedicated schemes for schooling of the children so rescued from begging.

(2) It shall be the responsibility of the appropriate Government to ensure that the rescued children are adequately rehabilitated by providing requisite education and employment opportunities for their livelihood.

Powers to make rules.

8. (a) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(b) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be: so, however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule.

Laying of report.

9. The Central Government shall lay a report before both Houses of Parliament every year on the progress of the implementation of the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Even after 68 years of Independence, begging continues to be a formidable problem facing the country. Ever since, we embarked upon a welfare state, several social security safeguards have been put in place to rehabilitate the beggars, many of who are young children. However, increasing incidents of begging across the country demonstrate a stark failure of the existing social security system, thus necessitating concerted remedial measures. India's urban centres, especially the metro cities, have been facing this problem of begging and the organised crime syndicates are using the beggars and children to promote their sinister designs. In many cases, it has also been seen that the organs of children begging at the signalled crossings on the roads are traded by illegal organ traders. Many orphan children have been left out of schools and they secure their livelihood by begging. This has contributed to India's burden of illiterates and out of school children. At a time, when the country is being seen as an important destination for foreign direct investment, international tourists inflow, etc., begging at the signalled crossings on the roads portray a negative picture of the country's profile and reputation as a democracy wedded to the ideals of promoting humane values. In the 21st century India, begging is a scar which the country can not afford to keep it at its own peril.

It is, therefore, imperative that legislation should be brought forward to abolish begging and to provide for adequate rehabilitation of beggars through a robust mechanism of social security institutions.

Hence the Bill.

ANUBHAV MOHANTY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of rescue homes in each district by the appropriate Government. Clause 6 provides for setting up of Beggars' Welfare Fund. Clause 7 provides for formulation of schemes for schooling of children by appropriate Government so as to enable beggars to take up suitable jobs. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five thousand crore per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of normal character.

IX**BILL No. XXXIV OF 2015**

A Bill to provide for the prevention of human deaths caused by heat stroke during summer and chilling cold during winter seasons by declaring heatwave and coldwave as national calamity and for making provisions for advance preparedness to face these natural calamities immediately on predictions of meteorological department making provision for providing woollens, setting up night shelters, community bonfires etc. during winters and for drinking water, ORS packets, Mango panna, cooling space and shades at conspicuous places, free ration and other needs for the poor homeless workers and daily wage earners during summer and for payment of compensation to the kins of those losing lives in heat or cold wave, as the case may be, by the Central and the State Governments and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Deaths Due to Heat and Cold Waves Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Central Government;

(b) “prescribed” means prescribed by rules made under this Act.

Declaration of heat wave and cold wave as national calamity.

3. The natural calamity of severe heat wave or cold wave in which people lose their lives are hereby declared respectively to be National calamity and shall be dealt with by the appropriate Government accordingly.

Meteorological Centres to inform the appropriate Government about prediction of heat or cold wave.

4. (1) The Central and regional Meteorological centres shall inform the appropriate Government about prediction detailing the likely occurrence of severe heat or cold wave, as the case may be, in their areas natural calamity with such, in such manner as may be prescribed.

(2) On receipt of the prediction of the Meteorological Centre under sub-section (1), the appropriate Government shall alert its Ministries or departments dealing with agriculture, drinking water, social justice, food and others as it may deem necessary to be ready with their action plans to face the natural calamity and disaster which may likely be caused by such natural calamity.

Setting up of night shelters, cooling spaces and shades etc. by appropriate Government.

5. (1) The appropriate Government shall set up at conspicuous places within its territorial jurisdiction:—

(a) night shelters for the homeless people with such amenities and facilities for the summer, rainy and winter seasons as may be prescribed.

(b) cooling spaces, shades in the fields for the agricultural workers, near the site of construction for construction workers, near roads and highways for the workers engaged in construction of roads or highways and at such other places as the appropriate Government may deem necessary for the daily wage earners, rickshaw or cart pullers, porters, roadside mechanics etc. with facility of drinking water, ORS packets, mango *panna* etc. in such manner as may be prescribed.

(2) It shall be the duty of the Department of Health of the appropriate Government to announce and implement guidelines on dealing with cold wave or heat wave patients, as the case may be, in such manner as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force agricultural workers, construction workers and workers who work in the open including porters, cart pullers, rickshaw pullers etc. shall be allowed rest between 12 Noon and 3 PM during summer season in such manner as may be prescribed.

Long term plan to prevent deaths due to cold and heat waves.

6. (1) The appropriate Government shall prepare within six months of the commencement of this Act, a long-term action plan in order to increase preparedness, information sharing and response coordination between various Ministries and Departments of such Government to reduce the health impacts particularly deaths due to extreme heat or cold, as the case may be, on vulnerable population with in its territorial jurisdiction.

(2) While implementing the long-term action plan prepared under sub-section (1) the appropriate Government shall make use of Short Message service (SMS) e-Mail, Radio, Television, Mobile apps and services of village Panchayats to alert the people about extreme heat and cold conditions, as the case may be.

Penalty.

7. Whoever contravenes the provisions of sub-section (3) of section 5 of this Act shall be punished with imprisonment for one month and also with fine which may extend to two lakh rupees.

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| <p>8. The appropriate Government shall pay to the nearest kin of the victim of heat wave or cold wave, as the case may be, who lose his life, a compensation of minimum of three lakhs rupees in such manner as may be prescribed.</p> | <p>Compensation to the kin of the victims.</p> |
| <p>9. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.</p> | <p>Central Government to provide funds.</p> |
| <p>10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act.</p> | <p>Act to have overriding effect.</p> |
| <p>11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.</p> | <p>Act to supplement other laws.</p> |
| <p>12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> | <p>Power to make rules.</p> |

STATEMENT OF OBJECTS AND REASONS

Every year our Nation faces extreme weather conditions in the form of heatwave, rains and coldwave in which many people, particularly the poorer ones lose their lives. For instance in the heatwave of this year 2015 death toll crossed the 2000 mark in May itself. This has become the fifth deadliest ever heatwave in the world and the second deadliest in India according to an International database of disasters. The deadliest heatwave on record in India was in 1998 which killed 2541 people. The most lethal heatwave in the globe was the one that crippled Europe in 2003 killing 71,310 people. In the list of top ten deadliest disasters Indian heatwaves figure four times—1998, 2002, 2003 and 2015. Unsurprisingly, six of the top ten heatwaves in terms of deaths have occurred in the 21st Century which has also recorded eight of the ten warmest years ever since records of global temperatures have started being kept. 2014 was tied as the warmest year on record with 1998 whereas the first quarter of 2015 was declared warmest on record. Unfortunately the poor who are poorly fed and have no option but to work in the scorching heat and chilling cold to get two square meals are vulnerable to these extreme weather conditions and lose their lives. The death tolls from heatwaves are very difficult to estimate since excess heat is typically not listed as the primary cause of death in cases where the victim has a pre-existing condition such as heart or lung disease. This means that in most of the cases especially in India the actual death toll will be much higher in all the listed events including the spell of heatwave of 2015.

It is only after Prime Minister's appeal to take precautions against the heatwave that killed nearly 2300 people in the month of May across the Country particularly in Telengana, Andhra Pradesh, Odisha and other parts of the Country that the National Disaster Management Authority (NDMA) has started working on it. There is need to declare heatwave and coldwave as National calamity. Immediate as well as long-term action plans to increase preparedness, information sharing through various means, increasing communication on prevention methods, access to potable drinking water and cooling space etc. are required to prevent deaths due to heatwave and availability to *rain baseraas*, woollens, medicines and food for the poorest of the poor may prevent deaths during chilling winters. This is the minimum which has to be done for the poorest of the poor in a welfare State like ours.

Hence this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for miscellaneous provisions for setting up of night shelters, cooling spaces and shades etc. by the Government. Clause 8 provides for compensation to the kin of the victims. Clause 9 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees twenty-five thousand crore may also involve for creating assets throughout the Country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

X**BILL NO. XXXV OF 2015**

A Bill to provide for faster tracking and reuniting the children who go missing due to abduction, kidnapping, luring or runaway from their homes and parents, for creation of Special Cells in Police establishments with specifically trained personnel to trace missing children, for immediate registration of FIR, for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and reuniting them with their near and dear ones and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Missing Children (Faster Tracking and Reuniting) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means, in the case of a State, the Government of that State and in other cases the Central Government;

(b) “child” means any human being who is below the age of eighteen years;

(c) “prescribed” means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall set up Special Cell in the Ministry or Department, as the case may be, dealing with children to exclusively deal with missing children and put in place a proper mechanism to trace missing children;

Appropriate Government to set up Special cells for missing children.

(2) The appropriate Government shall also set up Special Cells, as per the need, in its Police establishment with specifically trained personnel from the National Police Academy or any such other organization specialized in imparting training to personnel of Police or Paramilitary forces, as the case may be, for tracking the missing children.

4. (1) Notwithstanding anything contained in any other law for the time being in force,—

Special provisions for missing children.

(a) It shall be mandatory for every Station House Officer to ensure that the First Information Report is compulsorily registered immediately on being informed, either in writing or verbally by anyone, regarding a missing child and the FIR shall be specific with missing and abducted or kidnapped child and pass on the FIR to Special Cells set up under section 3 of this Act in such manner as may be prescribed.

(b) The Special Cell of Police, shall, at the earliest opportunity flash the photograph and other details of the missing child in all the Television networks and shall also publish in the newspapers and social media in such manner and with such details, as may be prescribed.

(c) The Special Cell of the Police shall start its probe with immediate effect to trace the missing child so as to reunite him with his near and dear ones;

(d) Non-registration or any willful delay in registration of FIR regarding a missing children shall be a criminal offence under this Act and the incharge of the Police Station shall be deemed to have committed the offence.

(2) National Police Academy or any other organization referred to in sub-section (2) of section 3 shall formulate training module for the Police personnel meant for Special Cells and if need be academic Centres of Universities or Institutes be roped in for this purpose for tracking of missing children.

(3) The Special Cell while adopting its own methodology of investigation in cases of missing children may also identify begging spots, take mobile phone numbers of beggars and put them on surveillance particularly in areas where large number of children have gone missing identify the children who are begging and whether they are controlled by any group or leader and whether they resemble missing children probe the known clinics where human organs are transplanted, in such manner as may be prescribed.

(4) The missing children rescued by the Special Cell of the Police shall be reunited with their parents or guardians, as the case may be, at the earliest opportunity.

5. Any Police Officer of the Special Cell who is investigating case or cases of missing children shall have the powers,—

Power to search etc.

(a) with the assistance, if any, as he may deem fit, to inspect any place at any reasonable time which he considers necessary for carrying out the purposes of this Act;

(b) to exercise such other powers as may be prescribed.

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| Penalty. | 6. The offence committed under clause (d) of sub-section (I) of section 4 of this Act shall be punishable with imprisonment for one year and also with fine which may extend to one lakh rupee. |
| Welfare measures. | 7. The appropriate Government shall formulate rehabilitation and such other welfare measures for the children covered under this Act who could not be reinvented with their families or guardian. |
| Central Government to provide funds. | 8. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act. |
| Act to have overriding effect. | 9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. |
| Act to supplement other laws. | 10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act. |
| Power to make rules. | 11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. |

STATEMENT OF OBJECTS AND REASONS

It is very unfortunate and sorry state of affairs that a very large number of children go missing every day in every nook and corner of the country and it is more horrifying that the National Capital tops the list where 20 children go missing every day and most of them remain untraceable forcing their parents for endless wait for their return and reunion with them. It is more shocking that most of these missing children belong to poor families and when their parents go to Police Station to lodge an FIR they are welcomed by indifferent and heartless Police personnel who not only refuse to lodge FIR but also insult the hapless parents and shoot them away instead of making efforts to trace the missing child. This negligent nonchalance is one major reason for the increasing number of missing children across the Country. In fact, in the present Police scheme of things, rescue of the missing child is of lesser moment.

The very large number of missing children also indicate presence of trafficking mafias in the country who lure and abduct, the children and force them into begging, stealing, pickpocketing and other crimes after making them drug addicts. The girl child is pushed into prostitution. It is also apprehended that the missing children might being used in illegal organ transplantations.

The Supreme Court of India has taken a serious view over the missing children and has also given directive to the Government. Though of late Delhi Police have made move in this regard and Ministry of Woman and Child Development has launched a webportal but it is not sufficient. The Bill propose to set up special cells in the Ministry or Department of the Government and in the Police establishment exclusively to deal with missing children. The Police personnel must get appropriate training for this purpose. Non filing of FIR is proposed to be made a criminal offence with penal provision. The task of rescue is very critical for the missing children so that they are reunited with their near and dear ones.

Hence this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for the welfare measures for the children covered under this Bill. Clause 8 makes it mandatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this stage but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure of rupee five thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XI**BILL NO. XXXVI OF 2015**

A Bill to provide for the rehabilitation measures to be undertaken and payment of adequate compensation by the Central and State Governments to the victims of acid attacks, sexually abused or raped and trafficked girls and women from weaker sections and tribal and rural areas pushed for working as domestic maids or into flesh trade by the placement agencies, pimps and traffickers and for making it mandatory for the State to bear all costs of treatment including cosmetic and other requisite surgeries for all such victims and for matters connected therewith and incidental thereto.

WHEREAS various criminal laws for the time being inforce in the country provide for the penalty and criminal procedure to be followed against the accused of acid

attack or rape or gangrape or trafficking and pushing girls and women into prostitution and such other offences;

AND WHEREAS most of such laws are silent on the rehabilitation of the victims, huge amounts required for their treatment including several surgeries including cosmetic surgeries for acid attack victims and the adequate financial assistance to withstand the trauma and lead a respectable life in the society;

NOW THEREFORE, it has become necessary to provide for the compensation and rehabilitation of victims of acid attack, sexually abused and trafficked girls and women by the State.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Acid Attack, Sexually Abused and Trafficked Girls and Women (Compensation and Rehabilitation) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "fund" means the National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund established under section 4;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "sexually abused" means where rape or gangrape is committed on a girl or women, as the case may be;

(e) "trafficking" includes procuring, luring or supplying a girl or women, as the case may be, for forced domestic work or forcing into prostitution or any unlawful and immoral purpose;

(f) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, Code of Criminal Procedure, 1973 or the Immoral Traffic (Prevention) Act, 1956 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.
104 of 1956.

Rehabilitation
and welfare
measures for the
victims of acid
attack, sexually
abused and
trafficked girls
and women.

3. (1) The Central Government shall promote and undertake such measures as it thinks fit and appropriate and take various other rehabilitation and welfare measures for the victims of acid attack, sexually abused and trafficked girls and women throughout the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the rehabilitation and welfare measures referred to therein may provide for,—

(a) setting up of one stop crisis centres at conspicuous places in different parts of the country for extending necessary help and facilities to girls and women covered under this Act, by the Police and other agencies;

(b) extending all required medical facilities including surgeries of all kinds irrespective of their numbers for acid attack and rape victims and with all medicines, bandages, and indoor and outdoor facilities till they are fully cured and counselling by specialists to the victims;

(c) making ex-gratia payment of not less than rupees five lakh to every victim of acid attack or rape covered under this Act;

(d) rehabilitation measures such as employment in Government or its organizations through reservation and other means or for making them self employed, through Vocational training;

(e) such other facilities as may be prescribed;

4. (1) The Central Government shall, as soon as may be, by notification in the official Gazette, establish a Rehabilitation and Welfare Fund to be called the National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund for the purposes of this Act with initial corpus of rupees thirty thousand Crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central Government and Governments of the State shall contribute to the Fund to such extent and in such manner as may be prescribed.

Establishment of National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund.

(2) The fund shall also comprise money received from body corporates and financial institutions of both domestic and international ones, individuals and bodies through donations etc.

(3) All money received in the fund shall be defrayed for the purposes of this Act in such manner as may be prescribed.

5. The appropriate Government shall establish and run such number of shelter homes as it may deem necessary for the girls and women covered under this Act who may opt for living in such shelter homes and such girls and women shall be lodged in these shelter homes with necessary facilities of daily life, as may be prescribed.

Establishment of shelter homes.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide adequate funds to the Governments of the States and to the Fund, for carrying out the purposes of this Act.

Central Government to provide funds for the purposes of the Act.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to remove difficulty.

8. The Central Government may give such directions in writing to any State Government as may appear to it to be necessary for carrying is out execution in the State any of the provisions of this Act or of any rule made thereunder.

Power to issue direction.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act, shall be in addition to and not in derogation of any other law for the time being applicable to girls and women covered under this Act.

Act to supplement other laws.

11. The Central Government may, be notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Of late, it is a matter of serious concern that crimes against girls and women have increased manifold in our country particularly the cases of rapes and gangrapes and acid attacks on the girls and women. Two years back, the brutal gangrape and killing of Nirbhaya had shaken the entire Nation after which the law was amended to make it more deterrent but despite that hardly any day goes without reports of rapes and gangrapes being committed in the national capital and rest of the country.

These days the national capital is often referred to as the rape capital. The victim of rape feels the trauma of being raped throughout her life and unfortunately most of them do not lead a normal life. The society also blames the rape victims and they remain unmarried and if rape is committed on a married woman she is normally disowned by her husband and in-laws. In this backdrop of backlash, many rape victims take the extreme step of committing suicide which ultimately help the accused. Here counselling, financial assistance and rehabilitation becomes more important so that the rape victims become courageous to see the accused behind the bars.

Similarly, cases of acid throwing on girls and women are on the rise. The acid thrown on a girl or woman many a times kills her but if, she survives that is more horrifying. Her face is disfigured, loses her eyes and other body parts are severely burnt. Apart from suffering extreme pain and agony she has to undergo many surgeries, bandages and medication which require huge money which most of the victims are unable to bear and they are left to fend for themselves. For these hapless acid attack victims financial assistance, free medication and cosmetic surgeries and rehabilitation becomes all the more necessary.

Then, these days girls belonging to poverty stricken families of rural areas and tribal areas are lured and trafficked to urban areas by showing them dreams of good life and employment opportunities and are sold to so called Placement agencies who further sell them to people for household chores and for forced prostitution. Even if, Police rescue them these unfortunate girls and women also require rehabilitation and other welfare measures.

This Bill also seeks to set up a National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund for the victims of acid attack, sexually abused and trafficked girls and women apart from providing other welfare and rehabilitation measures.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill, provides for the rehabilitation and welfare measures for the girls and women covered under this Bill. Clause 4 of the Bill provides for the establishment of a Fund with initial corpus of rupees thirty thousand crore by the Central Government. Clause 6 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum.

A sum of rupees twenty thousand crore may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

SHUMSHER K. SHERIFF,
Secretary-General.